

ROBERT D. HIGGINS and)
 MARIANNA HIGGINS)
)
 Plaintiffs,)
)
 vs.) Case No. 4:05CV2065 HEA
)
 CHASE MANHATTAN MORTGAGE)
 CORPORATION NKA)
 CASE HOME FINANCE LLC)
)
 Defendant.)

This matter is before the court on plaintiff's Motion to Clarify and/or Reconsider Order Disqualifying Attorney, [Doc. 18]. Defendant has responded to the Motion. For the reasons set forth below, the motion is granted to the extent provided herein.

On December 20, 2005, the Court granted defendant's Motion to Disqualify plaintiffs' previous attorney. As defendant points out in its response to the instant motion, former counsel is not under a "gag order" and under the plain language of the Order, he is prohibited from acting in a representative capacity at any pretrial matter in which his testimony or credibility is involved and from serving as counsel of record in these proceedings. Therefore, counsel of record is not prohibited from

consulting with plaintiffs' former counsel or from his assistance in preparing for trial.

Accordingly,

IT IS HEREBY ORDERED that Motion to Clarify, [Doc. 18], is granted as provided herein.

Dated this 22nd day of February, 2006.

A handwritten signature in black ink, appearing to read "Henry Edward Autrey", with a long horizontal flourish extending to the right.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE